

Allerdale Borough Council

Planning Application 2/2018/0493

Development Panel Report

Reference Number: 2/2018/0493
Valid Date: 16/10/2018
Location: Land East of Causeway Road, Seaton.
Applicant: Trustees Of The Copsey Family Trust
Proposal: Outline application for residential development comprising up to 100 dwellings with details of access and associated works

RECOMMENDATION

That the Secretary of State be advised of the Council being minded to grant permission subject to the conditions detailed in Annex 1 under the delegation of the Planning and Building Control Manager upon the completion and signing of a s106 agreement securing the following:

- A. The revocation of planning permission 2/2017/0277.**
- B. 20% affordable housing contribution.**
- C. Travel plan monitoring contribution -£6,600.**
- D. Provision and maintenance of public open space.**

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The application site is within the designated settlement limits for Seaton under Part 2 of the Allerdale Local Plan and overlaps part of a housing commitment under the extant permission 2/2017/0277. Seaton, as part of Workington's Principal Centre designation represents a sustainable location for additional housing growth. The principle of the scale of this development has been accepted through the earlier consent which would be revoked in the event of the current scheme being approved.

Highways	<p>The County Highways Authority note that the access details are not reserved for subsequent approval and advise that a new single vehicular access via Hill Farm onto Causeway Road is acceptable. The scale of the development is also acceptable in terms of its traffic generation subject to the revocation of the extant permission.</p>
Flood Risk /Drainage	<p>The proposal seeks to replicate the same means of surface water drainage as that of the permission, 2/2017/0277, with an attenuated discharge into Gale Brook. The discharge rate will account for greenfield run off rates and climate change. Existing identified blockages within the watercourse culverts, which would exacerbate flood risk in the vicinity of the site, have been remediated. The drainage issues have been the subject of a peer review by the LLFA which concluded that the surface drainage aspects could be satisfactorily reserved by condition.</p>
Trees	<p>The frontage trees to Hill Farm were considered of amenity value and therefore protected under a Tree Preservation Order.</p> <p>The insertion of a new estate road entrance will regrettably result in the loss of 1 category B tree and 2 category C trees. On balance, the scale of this loss is outweighed by the benefits derived from housing delivery including the affordable housing contribution (up to 20 dwellings).</p>
S106	<p>Any approval of the outline proposal would be subject to a s106 securing;</p> <ul style="list-style-type: none"> A. The revocation of planning permission 2/2017/0277. B. 20% affordable housing contribution.

	<p>C. Travel plan monitoring contribution -£6,600.</p> <p>D. Provision and maintenance of public open space.</p> <p>(The request by the County Council for a financial education contribution has been withdrawn since the last Panel meeting.)</p>
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2.0 **Introduction**

- 2.1 Members may recollect that this application was considered by the Development Panel at the meeting in August 2020. It was reported verbally by officers at the meeting that the Council had been notified by the Secretary of State that he wishes the opportunity to review any Council resolution in order to determine whether it should be called in for his determination. The written recommendation has been amended accordingly in response to this notification.
- 2.2 At the August 2020 Panel meeting members resolved to defer the application to enable engagement between the community and the Lead Local Flood Authority (LLFA) to evaluate in greater detail the merits of the proposal's surface water/flood risk evidence and assess their outstanding concerns.
- 2.3 Further to this meeting officers have attended a joint virtual meeting with representatives of the community and their associated drainage consultants, the County Council officers in their capacity as Lead Local Flood Authority (LLFA) and the applicant and their respective drainage consultants. The outcome of the meeting resulted in the LLFA determining that they would commission an independent peer assessment to evaluate the details of the application, plus the matters being raised in the objection representations. An additional virtual meeting was held with the appointed peer assessor consultants and the objectors to seek to identify the main subject areas which form the basis of their drainage /flood risk objections. The peer assessment report was received just before Christmas and has been the subject of reconsultation. The findings of the assessment can be found in the drainage section of the report and the attached appendix.
- 2.3 The trees protected by a tree preservation order (TPO) within the grounds of Hill Farm have also been the subject of further peer assessments independently commissioned by this Council (Members may also recollect that at the time of considering the application they were also informed of a separate pending tree works application WTPO/2020/0023 for the TPO trees at Hill farm, Causeway Rd, Seaton. This tree works application is the subject of a separate report on this agenda.

The Proposal

- 3.1. Outline planning permission is sought for the erection of up to 100 houses on an approximately 3.6 ha area of land on the south eastern perimeter of the village. The outline application includes the reserved matters of access specifying details of a single vehicular access junction off Causeway Road cutting through the curtilage of Hill Farm. In essence, this is a revised proposal to an existing permission utilising additional land (within which protected trees are situated) to enable access to the existing highway, in lieu of the previously proposed access via the former Royal British Legion (now omitted from the application site).
- 3.2 The application is supported by arboriculture, coal mining, ecology, flood risk/drainage, ground condition, transport (including interim travel plan) landscape/ visual appraisal, affordable housing assessment and illustrative masterplan documents.
- 3.3 The documents for consideration are:-
 - 17004_PL100 Rev B Site Location Plan
 - 17004_PL101 Rev B Existing Site Plan
 - Arboricultural Impact Assessment
 - Arboricultural Impact Assessment - Tree Constraints Plan
 - Arboricultural Impact Assessment – Plan
 - Coal Mining Risk Assessment
 - Design and Access Statement
 - Ecological Appraisal
 - Bat Roost Assessment
 - Bat Roost Site Inspection Report
 - Bat Emergence Survey
 - Reptile Survey
 - Addendum to reptile survey report (dated 17/12/20)
 - Revised Flood Risk Assessment and Drainage Strategy (May 2019)
 - Interim Travel Plan(parts 1-3)
 - Local Affordable Housing Statement
 - Landscape and Visual Impact Appraisal
 - Planning Statement
 - Transport Assessment
 - VC0207 001 Rev B Proposed Access Arrangements
 - e-mail dated 13th Feb 2019 re retention of trees T5 and T10
 - 17004_PL400 ~Rev B Illustrative Masterplan

These can be viewed at:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X000004DK3dUAG/220180493>

4.0 Site

- 4.1 The site comprises of an area of open agricultural land situated on the eastern edge of the settlement on the southern perimeter of the former railway line (now used as a cycleway/footpath).
- 4.2 The site is bounded by residential properties to the south, west and east with a public right of way on the eastern boundary of the site that leads to the cycle-path (forming the northern boundary of the site). The site excludes an area of agricultural land adjacent to the former Royal British Legion.

5.0 Relevant planning history

- 5.1 The current application site was the subject of a request for a screening opinion under the Environmental Impact Assessment Regulations 2017 (ref SCR/2018/0005). It concluded that the proposal, when cumulatively combined with the other approved extant housing consents in the immediately locality, would constitute Schedule 2 development but the sensitivity and scale of the developments themselves did not warrant the need for the submission of a supporting Environmental Statement.
- 5.2 A prior approval application (ref 2/2018/0263) for the demolition of the Hill Farm dwellinghouse and its outbuildings was granted on 5th July 2018. Following the felling of a large mature tree at the rear of the farm a Tree Preservation Order was placed on the remaining trees within its grounds.
- 5.3 Part of the current proposed site overlaps a section of another recently approved major housing application (ref 2/2017/0277) for 100 houses on the neighbouring agricultural land. This approved site was served by an alternative single vehicular access via the former Royal British Legion on Causeway Road. A screening opinion for this earlier development also concluded it did not require an Environmental Statement under the EIA regulations (ref SCR/2017/0001). This outline permission remains extant until May of this year (2021).
- 5.4 In addition an outline permission for another small neighbouring site on Camerton Road (ref 2/2017/0278) was granted for 5 dwellings. This permission also remains extant.
- 5.5 A further outline application for 4 dwellings under (2/2017/0279) on the southern side of Camerton Road was refused and subsequently dismissed at appeal on the grounds of landscape impact and extension of the village.
- 5.6 A separate application (ref OUT/2019/0017) for 8 dwellings at Beech Grove off Causeway Road adjacent to a culverted section of Gale Brook, remains pending.

6.0 Representations

Seaton Parish Council

- 6.1 The Council notes that this application is in addition to a previous application for the same land and includes an overlapping element. It is the Council's understanding that more than one concurrent planning permission can't be given for the same piece of land and asks for clarification on this. The Council has objections to the proposals based on the potential impact of the additional properties on the area.
- 6.2 Access arrangements are considered to be unsuitable, the currently overused highways inadequate to support the likely additional traffic, serious safety concerns for pedestrians & vehicle users.
- 6.3 The facilities and the village's infrastructure are considered inadequate, with concerns for the potential impact of flooding in the drainage zone for the site, particularly the impact on Gale Brook, and ongoing impact on the surrounding area, particularly properties at Barepot. As previously stated, consideration should be taken of other properties already coming onto the market in Seaton and the cumulative impact of proposed developments on the area's services and infrastructure. The Council would like to see published the economic viability assessment related to the development proposed
- 6.4 The Council notes that, of the nine protected trees on the Hill Farm site, the application proposed to fell five, presenting a dismissive argument indicating that the visual amenity afforded to the area by the trees is unimportant. It is considered that this proposal is in conflict with Allerdale Local Plan (Part 1) Policy S33 and the National Planning Policy Framework Section 6.33, Paragraph 170. For residents of the village, these trees represent a very important visual characteristic. It is the Council's view that the TPOs on the Hill Farm site are not respected by the developer and their presence seen as an inconvenience, rather than a valued asset to the village. It points to the disdain shown towards the former presence of an even older tree on the site which was felled whilst an application for a TPO was under consideration.
- 6.5 The proposed access route to the site would impact on the presence of slow worms on the site, in contradiction of the provisions of the Wildlife & Countryside Act, (subsections 9(1) & 9(5) refer). The Council contends that permitted access through the route proposed would be in contravention of the Allerdale Local Plan (Part 1) Policy S35.
- 6.6 The Council notes that the ecology reports attached to the application identify the presence of bats on the Hill Farm property, contrary to the Demolition Prior Notification Covering Letter of 7 June 2016. The Council requests that appropriate consideration is given to the mammals' requirements.
- 6.7 Supports the concerns of Cumbria County Council concerning drainage, it is understood the drainage system for the area covering the Grayson (Royal British Legion) to Kelsick Park needs to be addressed. The Council consider

that, given the flooding problems experienced by the properties on West Croft and Derwent Bank, the whole area affected by tree roots should be dealt with. They wish to note that the extent of regular flooding in the area affected the footpath between West Croft and Low Seaton is of a severity that warranted the County Council to install a raised bridge.

- 6.8 In response to the LLFA's recent peer drainage assessment the Parish Council advise they do not have the expertise to be able to interpret the report but, in addition to its previous concerns with the impact of drainage, it is concerned that the flow and amalgamation of surface water drainage in the vicinity of the former British Legion building, which leads to flooding in the field, that area and the road should be taken into account (supporting photos were provided of a recent flood event on Causeway Road's highway). In response to the recent ecological addendum, there is concern that only the presence of slow worms has been reported and wonders what other ecological issues have been investigated as it is aware bats use the trees and buildings in the vicinity of Hill Farm for roosting but this has not been reported on.

ABC Environmental Health

- 6.9 Seek that conditions be imposed securing a contamination assessment, construction management plan and noise insulation measures for any properties in proximity to the former Royal British Legion (The Grayson) site.

Cumbria County Highways

- 6.10 Further to the submission of amended details it is considered that the splays and swept path analysis of the access is acceptable, but seek 2m internal pathways and some pedestrian connectivity from the site to avoid dependence solely on the Causeway Road access. The Travel Plan is acceptable (subject to its s106 monitoring fee - £6600).
- 6.11 Further to the applicant's agreement to revoke the existing permission, they withdraw their former concerns in relation to cumulative traffic impact.

Cumbria County Lead Local Flood Authority

- 6.12 Initially sought additional details seeking a sustainable drainage system with detailed calculations on greenfield run off rates, current guidance, two stage treatment and the discharge details of the culverted system to Gale Brook requiring CCTV footage to demonstrate it was fit for purpose.
- 6.13 A further response (3rd June 2019) addressed the applicant's updated drainage report (March 2019). As an outline application they consider these details are acceptable, but any reserved matters should account for all SuDs alternatives. However, evidence had identified the culvert between Kelsick Park and Derwent Croft was inadequate. They advised that concentrated surface water discharge to the culvert was likely to exacerbate the existing flooding issues and therefore sought these defects to be rectified. They

concluded that additional evidence be provided as part of the reserved matters: construction details of the paving, individual surface water catchments, greenfield run off calculations and a surface water construction management plan. It was also recommended that the remediation of the culvert be also be secured by way of a Grampian condition.

- 6.14 Further to Allerdale officers' concerns on the reasonableness and legal enforceability of any such Grampian condition on third party land, the applicant further updated their report on the remediation works undertaken to the culvert. The LLFA now considers the pipe is in an adequate condition to receive water from the proposed site. They are also aware of additional works by the Environment Agency in clearing a blockage and improvements to the drainage system that have been causing localised flooding. These works and those by the applicant will, in their opinion, not increase the risk of flooding downstream to Barepot. They seek the existing field drain to link into the new drainage run down Causeway Road and planning conditions to secure a surface water drainage system (accounting for greenfield run off rates and permeable surfaces) and a surface water construction plan.
- 6.15 The LLFA participated in the virtual discussion meeting following the panel meeting. The LLFA subsequently commissioned and published their appointed drainage peer consultant report. (See attached appendix)
- 6.16 The LLFA's response, following the receipt of their own peer review, to the initial drainage consultant's objection report is as follows:

a) Drainage

They have looked at the concerns raised by RPG. Although there is some discrepancy, they have already asked for changes to this concept design by conditioning our requirements. The report does have inconsistencies from that of the drawings listed under FRA on the website. The one main factor is the use of permeable paving which will be storing surface water. None of this capability has been factored by the RPG to make up for any lack of storage from the calculations. The LLFA are confident that the concept design can be improved and is suitable for the location the development is being built on.

b) Flooding

Comments regarding existing drainage from the railway line are unfounded as they have not seen any possible linkage to the water which gathers the other side of the railway embankment and floods into Low Seaton. This concern is still on their listing for a solution to be found in the future.

It is the LLFA's understanding that Gale Brook is a contributing factor in the flooding because it allows the Derwent to top it up when the Derwent exceeds around the back of the village. Gale Brook is culverted into the middle of the village past an objector's house. Therefore the existing flows contribute in storm conditions whereas the development will in fact reduce exceedance up to a 1 in 100 year plus climate and reduce the amount of flow in Gale Brook.

In response to an objection representation the LLFA advise that they are not aware of United Utilities opposing the development. In response to the applicant's Qbar calculations the concept design will include permeable paving which will increase the storage available. The LLFA accept the applicant's discharge rate and disputes RPG's claim on this issue. In reference to any abandoned land drains, any new development has to pick up what drainage is coming from a site and considers this is within the development. These drainage details have been included in the details. They dispute there is insufficient space for the development storage/sewer works. The future maintenance of the culverts in Barepot and the cleared culverts in Low Seaton and Gale Brook itself is a separate issue. In terms of exceedance this will be more controlled and, once levels are produced, this can be controlled. The comments in relation to Ancient Woodland are not relevant.

- 6.17 The LLFA consider the application has been assessed on its submitted details, irrespective of the earlier consent and highlight that the LLFA has previously met residents to discuss the site. Any further expansion of the site will be assessed at the time of its submission.
- 6.18 In summary, the LLFA's final response, responding to the additional representations from the objector's drainage consultant to the peer report. (See additional appendix document) concludes the details are acceptable subject to specific bespoke drainage conditions.

Environment Agency

- 6.19 In response to the applicant's latest drainage report they advise that, as the site is in flood zone 1, the Environment Agency would not normally comment. However, they have been engaged in the matter of the historical culverting of the downstream watercourse. The applicant's report advises maintenance works on the culvert have been undertaken on the behalf of the riparian landowners to improve flows and reduce flood risk; the section of the survey between manholes MHO3 and MHO4 has been cleared but the report recommends this be lined to reduce the risk of root regrowth,. The Environment Agency has permissive powers to undertake works on main rivers, but maintenance responsibility ultimately rests with the riparian landowners and they would expect additional maintenance activities in the first instance.
- 6.20 The Environment Agency has undertaken a survey of the culvert downstream of that surveyed by the applicant and their investigations have confirmed there was some root ingress and further blockages in the pipe which required excavation and replacement.
- 6.21 In relation to the effects of maintenance of the culvert on flood risk, the removal of the blockages will improve flows and reduce the likelihood of localised flooding. However, due to climate change, the volume of water is likely to increase including the likelihood of surcharging. To mitigate this they are promoting the use of natural flood management techniques within

catchments to slow flows (including the use of SuDs systems) to slow the flow and manage run off in a more sustainable manner. Added attenuation is needed to allow the site to discharge to the culvert at a reduced rate over a longer timeframe.

- 6.22 The Environment Agency's response to the LLFA's peer review document reiterates their earlier comments.

United Utilities

- 6.23 No objection regarding foul water and surface water discharge from the site with standard conditions for further details.
- 6.24 In responding to the LLFA's peer assessment drainage report they advise the drainage system should accord with the NPPF and NPPG with separate systems draining to the public sewer and surface water draining in the sustainable way. They advise the works are acceptable in principle subject to specific planning conditions (see conditions 12 & 26 in the report). They advise the rates of discharge to the local watercourse system is the responsibility of the LLFA/ Environment Agency. If wastewater assets are to be adopted, their specification needs to be agreed with United Utilities, especially as it can influence site levels and layout. They also recommended a management and maintenance scheme for major housing development proposals.

ABC Housing

- 6.25 Seek the development to comply with policy S8 outlining the housing needs of the locality.

Coal Authority

- 6.26 The site is in a Low Risk Area in relation to former mine workings. Recommend standing advice.

Cumbria Fire Officer

- 6.27 No objections

Cumbria Constabulary (Crime Prevention Officer)

- 6.28 Acknowledge the application is outline and the layout plan is indicative, but it is evident that crime prevention has been considered. Reference to garden layout, access route public open space, landscaping. The emergency access lacks surveillance.

Natural England

- 6.29 No objections in principle applying standing advice and with the need for a condition to provide a Construction Environmental Management Plan.

- 6.30 Natural England's comments on the amended ecology addendum is awaited and will be reported at the Panel meeting.

ABC Environmental Protection

- 6.31 No objection with standard conditions regarding contaminated land further to the findings of the Desk Top Study and a construction management plan. A noise condition is also recommended regarding an assessment of any noise emissions from the social club.

Workington Flood Action Group

- 6.32 The group submitted photographic evidence of surface water flooding on the application site, along the cycleway, on Causeway Road and along the route of Gale Brook and Barepot. They suggest that the proposal needs to be considered alongside the approved permissions 2/2017/0277 and 2/2017/0278 (previously totalling 105 houses).
- 6.33 The group refer to the flood events in Barepot from the River Derwent and Gale Brook in 2009 and 2015 with no previous knowledge of flooding. A bund was constructed in Barepot following the 2009 flood to reduce the flood risk from the River Derwent. Gale Brook runs through the protected area and culverts and deculverts throughout its length. Recent CCTV shows defects throughout the culverted sections in Barepot. Gale Brook deculverts in the centre of the hamlet i.e. into an open watercourse. Further to the 2015 flood event two flap valves were installed on Gale Brook to prevent the River Derwent backing up the culvert. The flow from Gale Brook is now restricted and slowed at these two locations. In addition, the River Derwent is tidal at Barepot impeding the discharge rate from Gale Brook. The Environment Agency recognise a solution is required for Gale Brook but, under the current funding formula, money is not available to transfer the Brook out of the hamlet. There is nothing in place to reduce the flood risk from surface water from Gale Brook. There is a warning system for residents in Barepot from the Derwent but not from Gale Brook which has no monitoring devices.
- 6.34 The Environment Agency's map for Low Seaton identifies a surface water risk on the site which extends around the northern boundary (cycleway) with a rating of high and medium. The Group consider the submitted report is basic given the site's complexity and discharge into a higher risk flood zone 2/3 area and is in the NPPF's more vulnerable category. The Group refer to the applicant's report's comments that the site is a low risk from secondary sources which is disputed with no reference to a former pond on the site that was filled approx. 3 decades ago. Flooding on the former railway line is well known and the site drains this and the surrounding area. The development will increase run off rates into Gale Brook and the potential for flood risk.
- 6.35 There are known defects in Gale Brook's culvert which attenuate and slow the flow. Repairs will increase the flow of water and its velocity. This could be exacerbated by future works by future householders in landscaping areas with

impermeable surfaces. The Group seek the removal of permitted development rights.

- 6.36 The Group also seeks clarification on the future maintenance of the drainage system. United Utilities seek capacity for a 1 in 50 year flood event, which is not possible. If passed to others it would conflict with a DCLG statement issued in December 2014 - if there is a 1 in 30 year flood risk it is deemed unachievable to meet the minimum requirements for adoption by a utility company.
- 6.37 The Group question details in the report re: estimated values, absence of infiltration coefficient, reference to surcharged/ flooding systems, question the 40% permeability calculation. Greenfield site calculations are unsuitable as it fails to account for local knowledge, topography or overland flows with the new homes at risk of flooding.
- 6.38 The Group also challenges the levels, trial pits, topography, drainage details of the applicant's updated drainage report. They have examined the Environment Agency's and LLFA's response to this application and have lodged a formal complaint in relation to these responses. They indicate that they have commissioned their own separate independent assessment of the submitted details (no details received to date). Reference is made to details of a study to explore the rerouting of Gale Brook to address flood risks.
- 6.39 A further representation was received from the flood group in response to the LLFA's peer assessment. They attended the meeting with the other interested parties and are surprised there are no revisions to the application as the applicant conceded their calculations were flawed. It is considered the drainage proposals for both foul and surface water are not achievable at this stage and have failed to demonstrate it will work and dispute that these details should be reserved by planning conditions. They seek that laws seeing to protect people and property should be upheld.
- 6.40 The report highlights the considerable risk the development will pose to the River Derwent's SSSI with no evidence how contamination will be separated from surface water discharging from the site.
- 6.41 It is highlighted that the Environment Agency are not a statutory consultee on this site and consider they are under the illusion that the 40% climate change allowance will offer safeguards but the report highlights this is not achievable. The discharge rate is for the full site, but the attenuation does not account for the flows running through the site through the manhole. The drainage consultants suggested this should be used but this was dismissed by the LLFA due to time constraints; surely these should be calculated?
- 6.42 There is the need for CCTV from the manhole upstream and there is a need for an accurate AOD for the invert level of this manhole (which has been requested throughout the application). There is a lack of due diligence in

checking the documentation by all parties and the report fails to address the lifespan of the culverts in Barepot.

- 6.43 The peer report was commissioned to investigate and advise the LLFA on discrepancies in the FRA documentation which were being challenged and the Group are dismayed that there is no progress on these issues, especially given the attendance and costs to the local representatives. The applicant has made no revisions although they conceded there are errors in the report. The LLFA did not support the notion of the groups “working together” to achieve a satisfactory conclusion to alleviate flood risk to Low Seaton and Barepot.
- 6.44 Gale Brook is not the only option to drain the site to the River Derwent and the Group questions the applicant’s conclusions. They ask members to refer to planning application 2/2017/0277 “Surface water drainage is planned from the site across the applicant’s land with a piped outfall direct to the river Derwent. The solution does not rely on Gale Brook “. If this cost was feasible for 9 houses then it must be for 100 houses.
- 6.45 Reference is made in support to the comments submitted by an objector and the additional supporting documents from Campbell Reith’s drainage consultant.
The objection states the application is more than 3 years’ old, but areas of concern remain with a lack of scrutiny with inconsistencies in the submitted details. Given the level of representations it is considered insufficient weight is continued to be attributed to these concerns and therefore consider the proposal should not be recommended for approval

Derwent Catchment Group

- 6.46 Initial representation objected to the scheme seeking more detailed site investigations to identify pre-development drainage conditions, upland flows and discharges to Gale Brook. These concerns were expressed on the previous application 2/2017/0277. They considered that a Grampian condition was inadequate to deal with such matters. The Group considered that Gale Brook was over capacity.
- 6.47 In response to the latest drainage report they consider the recent remediation works reduce flooding to the highway and would result in the speedy removal of water from the site. This, they consider, is contrary to para 163 of the NPPF “when determining any planning applications local planning authorities should ensure that flood risk is not increased elsewhere”. No details have been provided to evidence that there will not be an increased flood risk at Barepot. Complexities of the site have not been checked including; existing surface standing surface water on the site, a former pond and modelling underestimating flows, permeability and surface water infiltration tests. It is expected on site attenuation to compensate for impermeable areas will be undersized and exceedance flows high.
- 6.48 The repair works remove highway flooding but do not justify the case for the new build houses. The standard percentage betterment over and above the

standards for standard drainage do not address the increased rainfall with no calculations to compensate for the inadequacies of the assessment of the catchment area and its permeability. Consider the proposal should be refused.

- 6.49 A drainage consultant's report was received on behalf of the residents of Low Seaton. The report concluded:
- a) For outline planning purposes it is acknowledged that full detailed drainage design is not required.
 - b) The requirement at outline planning stage is to provide sufficient information to demonstrate the site can be drained in a sustainable manner.
 - c) Infiltration drainage is not feasible due to soil properties. The proposed solution outlining discharge to a watercourse is in line with the SuDS hierarchy.
 - d) The fundamental principles which set discharge rate and attenuation requirements should be correct to ensure sufficient provision on site for surface water storage. The greenfield runoff rate has been calculated for the entire site area, not the positively drained area and is therefore inflated.
 - e) The proposal will result in runoff from the site exceeding Greenfield Qbar due to remaining greenfield areas contributing to runoff, in addition to the positively drained areas of the site. Flood risk downstream is therefore expected to increase as a result of the proposal.
 - f) The storage volume by calculated by the developer is likely to be insufficient due to incorrect calculation of allowable discharge rate (the over-estimated greenfield rate).
 - g) The calculated storage is not provided within the strategy due to incorrect volumes attributed to the crates and unrealistic storage locations, depths and shapes.
 - h) There is no surface water treatment assessment provided. The proposed mitigation using permeable paving may be suitable for roads but does not address roof runoff.
 - i) The proposed depth of gravity sewers within the existing highway may not be practical.
 - j) The provision of an adoptable drainage system may not be possible due to insufficient space within the proposed highway to accommodate the proposed oversized pipes, highway drain and foul sewer whilst meeting UU requirements.
 - k) The requirement for a foul pumping station is likely. There is no provision for a pumping station within the site.
 - l) The abandonment of the land drain in the site has not been sufficiently justified. There are shown to be existing incoming drains which were not fully traced in the provided drainage survey.
 - m) Insufficient information is provided to demonstrate that drain abandonment will not disrupt upstream drainage and lead to increased flood risk.
- 6.50 In relation to the LLFA's peer assessment, the report advises that the assessment has not addressed the technical issues in relation to the

calculation of greenfield contribution and therefore does not provide the reassurance that the site can be drained sustainably.

- 6.51 The developer has also not demonstrated sustainability in the absence that they can fit the storage in the site and have only set a Qbar to the entire site area and excludes green area contributions. This results in erroneous calculations with storage requirements being underestimated by a very significant margin with a high Qbar and a low contributing area which was understood to be to be the main purpose of the review and fundamental to their objection.
- 6.52 The objector's drainage consultant has submitted a further more detailed response to the findings of the peer assessment which is an appendix document to this report

Other representations

- 6.53 161 objections have now been received from other third parties (an additional 5 since the report was drafted for the August 2020 meeting of the Panel). The objections are summarised in this report, divided into subject matters for ease of reference.
- 6.54 The objections to the principle of the housing and over-arching lack of sustainability include the following comments:-
- a) Contrary to all of the Allerdale Local Plan's Strategic Objectives and the provisions of the National Planning Policy Framework; this is not sustainable development; harm to landscape and amenity value, impact on infrastructure, ecology, increase in flooding, vehicular traffic generation, adverse impact on highway safety etc.
 - b) Contrary to the Allerdale Local Plan Part 1's Strategic Objective SO1b - no evidence of mitigation /adaptation to climate change; increased pressure on infrastructure /services.
 - c) Contrary to the Allerdale Local Plan Part 1's Strategic Objective SO1c - Seaton is annexed from Workington
 - d) Contrary to the Allerdale Local Plan Part 1's Strategic Objective SO1d – the site is not accessible to people with mobility issues; large influx of development onto the village with strains on infrastructure; the village is at saturation point. Disproportionate level of Workington's housing supply in Seaton.
 - e) Contrary to the Allerdale Local Plan Part 1's Strategic Objective S01g - loss of agricultural land and green space.
 - f) Contrary to the Allerdale Local Plan Part 1's Strategic Objective SO4 (public transport) and SO5f (protecting amenity).
 - g) Housing proposal is not a renewal or reuse of existing buildings.
 - h) The proposal does not meet a housing need with properties for sale within the village hindering their sale.
 - i) Contrary to Policy S8 of the Allerdale Local Plan Part 1 as houses start at £190k which is not affordable.

- j) Masterplan suggests all two storey units, with any single storey units under any future reserved matters likely to take up a larger footprint.
- k) Economically Seaton is not within easy walking distance of Workington and its town centre, with limited public transport to Seaton.
- l) Inadequate education infrastructure with schools at capacity.
- m) Given the site's constraints it is considered the wrong location for housing development for Workington, with other alternative sites with better infrastructure.
- n) Contrary to Local Plan's objective of seeking inclusive, empowered communities and their involvement in the design and management of places.
- o) Lack of cumulative assessment with other permissions.
- p) Proposal seeks to generate council tax.
- q) Disproportionate level of Workington's housing supply in Seaton.
- r) Devaluation of property.
- s) Revocation of the earlier consent under s106 does not prevent its resubmission.- proposal should be looked at in its own right with no influences from the consent 2/2017/0277into
- t) Affordable houses are not affordable.
- u) Outside settlement limits and the Council has a 5 year housing land supply.
- v) Impact on schools including St. Paul's.
- w) Need to consider the wider impact of the development
- x) Developer's primary objective is profit
- y) A second large development has been granted on Lowca lane.

6.55 Comments received in relation to transportation and highway safety can be summarised as follows;-

- a) Hazardous access on Causeway Road; 60m visibility splays are inadequate and swept path analysis depicted on the drawings is questioned.
- b) The scheme is car dependent with limited alternative bus service 7am - 7pm. The cycleway suffers from flooding hindering cyclists/walkers.
- c) The design and access statement suggests that the parking/garaging would not dominate the streetscene but this is contradicted by the parking on the frontage of the properties which needs to meet parking ratios.
- d) Access to A66 creates a rat run.
- e) Increased demand for parking, loss of some on-street parking and traffic congestion on Causeway Road – hazard to traffic and pedestrians and creating gridlock.
- f) Contrary to NPPF –“refuse on transport grounds where residential cumulative impacts are going to be severe.” The cumulative impact of traffic in the village from the proposal, the Story's estate and the Lowca Lane estate are referenced in this context.
- g) Traffic pictures of empty highways are unrepresentative of existing road conditions.
- h) Hazardous location of emergency access which may be misused for general purposes.
- i) Inaccurate plan details relating to the footpath near Hill Farm.

- j) Challenges to the Transport Assessment modelling and findings.
- k) Two letters recommend that, if approved, given the volume of pedestrians using Camerton Road which is hazardous due to its bends, could a new footpath be provided from the demolished Legion across the site behind the existing houses to the Church footpath? This would provide a safe walkway and a buffer to the existing houses to maintain their boundaries.

6.56 Concerns in relation to design, character and natural environment considerations are as follows:-

- a) In the absence of details of the layout, scale and appearance, there are concerns about the Design and Access Statement's lack of evidence in relation to required synergies with adjacent residential development, mitigation of any visual impact, acceptability of size and height of house types, housing densities, boundary treatments, streetscape and materials.
- b) The layout is out of character.
- c) Loss of privacy.
- d) Contrary to policy S32 of the Local Plan Part 1 as it would result in loss of amenity from air and light pollution.
- e) Loss of five trees/hedgerow –harmful impact on streetscene and rural landscape /green space /wildlife –contrary to Policy S33 of the Local Plan Part 1.
- f) Conflicts with NPPF objective of supporting healthy lifestyles.
- g) Light pollution –reference to Broughton appeal decision 2/2016/07521.
- h) Impact on occupiers of linked houses opposite the access.
- i) Contrary to policies S4 and S5 in relation to environmental quality.
- j) Loss of amenity to existing proposed properties/ loss of view.
- k) Outlook from existing dwellings over new road junction.
- l) Revised ecology report identifies slow worms but excludes reptiles/amphibians/red squirrel. The development will result in the loss of a site rich in ecology.
- m) Loss of trees causing heave in the area.
- n) Replacement trees will take a long time to replace amenity value.
- o) Lost trees contribute significantly to amenity.
- p) Inaccurate ecological references to ancient woodlands.
- q) An additional objection letter to the ecology addendum report stating there is, by virtue of the findings, the potential for slow worms breeding at the site and therefore a possible larger colony at the site. The destruction of the frontage grounds to Hill Farm will destroy this habitat and repopulation will take years. Thus why would the replacement habitat be considered when it can be avoided i.e. can the risk be eliminated especially as this risk can be avoided by securing access via the extant permission's separate access? It also highlights that the extent of the storage tanks for this area has yet to be calculated which may also affect the tree roots.

6.57 The concerns in relation to flood risk and drainage are summarised follows:-

- a) Outstanding concerns re foul and surface water drainage including disputing the Qbar figure (run off) with higher run off rates and less storage attenuation
- b) No consideration of the drainage implications of 2/2017/0278 and the pending application at Beech Grove. Increased pressure on flood risk to Gale Brook, including downstream in Barepot.
- c) Existing inadequate surface water drainage and sewage infrastructure systems.
- d) Lack of permeability in the site.
- e) No maintenance details for the culvert.
- f) All culverts should be suitably lined- proposed lining inadequate.
- g) Local knowledge and weight of knowledge /experience of flooding.
- h) Comparison with Keswick flood defences which failed.
- i) Previous flood events in the locality including flood events in Barepot in 2009 and 2015.(it is presently unviable to presently relocate the brook outside Barepot with no plans for culvert repairs)
- j) Removal of trees will not remove flood risk.
- k) Drainage report identifies remaining spike in the pipeline-no evidence of remediation.
- l) Challenge drainage evidence on the small, inadequate size of existing pipes, impact of traffic on existing clay pipe, no remedial lining works, poor condition of pipework, size of lining, insufficient evidence on the land drain implications of the development and upstream drainage, unrealistic storage details and question whether these can be spatially accommodated, absence of exceedance routes and only has a 12 month guarantee.
- m) Lack of future details on the future management and maintenance of Gale Brook
- n) Challenge levels technical details submitted re levels /topography –details misleading.
- o) Challenge the applicant's consultant's comments that it will have no impact downstream.
- p) One specific letter of objection was received in response to the outcome of the LLFA's peer assessment and the virtual meetings which raised challenges to the submitted evidence. The letter refers to their questions submitted in advance of the meeting with the peer assessors including:-
 - i. Will it involve a site visit?;
 - ii. Has all the applicant's and objection consultant's reports and local submissions be considered, and will the results include their calculations?
 - iii. Is the development acceptable and feasible?;
 - iv. Will exceedance flows be reviewed?;
 - v. Has the drainage for the central manhole been traced?;
 - vi. Will it account for the drainage arising from permission 2/2017/0278?;
 - vii. Will the location of the tanks be affected by the TPO?;
 - viii. Question the legacy of the former repairs to the culverts.

q) The letter also contests part of the peer report seeking:-

- i. Confirmation of the exact discharge rate rather than condition.
- ii. Accounting for urban creep
- iii. Storage requirements need revised as these are unclear – swales /underground pipes /no space for above ground attenuation.
- iv. Clarification of surface water quality with evidence of the treatment of the surface water (problematic on estates at Kendal and Keswick
- v. Confirmation of exceedance given the dependence on underground pipes and hydro-brakes which increases the risk of flooding.
- vi. Consider the matter relating to attenuation and maintenance should be resolved at this stage rather than reserved by condition.
- vii. Question the evidence relating to the land drain to the north which has not been surveyed.
- viii. The reports foul drainage strategy section highlights the potential flood risks from surcharging of the downstream sewer and is not properly addressed in the Flood risk assessment document.

7.0 Environmental Impact Assessment

7.1 With reference to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development is within Schedule 2 but, following screening, has been assessed as not being EIA development.

8.0 Development Plan Policies

Allerdale Local Plan (Part 1) 2014

8.1 The Plan includes a series of Strategic Objectives. These are set out before the policies and start on page 14 of the Plan. They echo the strategies in the National Planning Policy Framework, albeit predating the latest iteration of that document, and set them in a local (Borough) context. They are referenced by objectors as cited in section 6 of this report.

8.2 The following policies are considered to be relevant:-

- S1 Presumption in favour of sustainable development
- S2 Sustainable development principles
- S3 Spatial Strategy and Growth
- S4 Design principles
- S5 Development principles
- S7 A Mixed and Balanced Housing Market.
- S8 Affordable Housing

S21 Developer Contributions
S22 Transport Principles
S24 Green Infrastructure
S27 Heritage assets
S33 Landscape
S29 Flood Risk and Surface Water Drainage
S32 Safeguarding amenity
S35 Protecting and enhancing biodiversity and geodiversity
S36 Air, Water and Soil Quality
DM14 Standards of Good Design
DM17 Trees, Hedgerows and Woodland

These policies can be viewed at:-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

Allerdale Borough Local Plan (Part 2) 2020

8.3 The site is within the proposed revised settlement limit for the Seaton part of the Workington Principal Centre. Most of the site is shown as a commitment due to the existence of the extant planning permission.

8.4 The following other policies are considered relevant:-

SA2 Settlement Boundaries
SA3 Affordable Housing
SA5 Housing Standards
SA33 Broadband

These policies can be found here:-

<https://www.allerdale.gov.uk/en/siteallocations/>

9.0 Other material considerations

National Planning Policy Framework (NPPF) (2019)

9.1 Paragraph 212 advises that policies in that Framework are material consideration which should be taken into account in dealing with the applications from the day of its publication.

9.2 Paragraph 213 advises that the weight afforded to development plan policies can vary according to their degree consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

9.3 The NPPF is available to view at:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Allerdale Local Plan (Part 1) and the Developer Contributions Supplementary Planning Document

9.4 This document is complementary to the Local Plan Part 1 and was the subject of consultation and subsequent approval by members. It sets out the Council's approach to securing necessary contribution via s106 agreements where necessary to make the development acceptable and where reasonable to do so.

10.0 Policy weighting

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan Parts 1 and 2 have primacy.

10.2 In the context of paragraphs 212 and 213 of the NPPF, it is noted that the Allerdale Local Plan Part 2 has now superseded the saved settlement limits of the 1999 Local Plan. With Part 2 having only been adopted in July 2020 and consistent with the provisions of the NPPF, there is no reason why full weight cannot be afforded to it, alongside Part 1. The provisions of paragraph 11 of the NPPF are not be engaged.

10.3 Members are advised that the decision should be made in accordance with the development plan with no material considerations, such as the NPPF, being afforded sufficient weight or reducing the weight of the Plan to such an extent that a decision contrary to it could be made.

10.4 There is some conflict between policy S8 of Part 1 and SA3 of Part 2 with regards to affordable housing. Policy SA3 should take precedence being the more recent part of the development plan and postdating the publication of the most recent iteration of the NPPF.

10.5 One material consideration that is afforded a moderate degree of weight in the overall balance is the existence of the extant planning permission that covers much of the application site and is for 100 dwellings. The weight is tempered to a degree by the fact that the permission expires in May of this year (2021). It is also tempered by the fact that there are issues which affect the current application that were not applicable when the extant permission was determined.

11.0 Assessment

Principle of development

- 11.1 Policy S1, S2 and S3 outlines the presumption in favour of sustainable development, seeking new development to adhere to sustainable principles and comply with the Borough's approved settlement hierarchy. The Local Plan (Part 1) establishes the strategic approach to the level of growth and its broad distribution across the plan area up to 2029. It also sets out the main role and function of different areas through the settlement hierarchy. The role of Part 2 of the plan is to add detail to this strategy, through the setting of specific proposals and ensuring that sufficient land is made available at the right time and in the right location.
- 11.2 Seaton forms part of the Workington Principal Centre for the purposes of the Plan (although it is fully recognised that it is a village and separate parish in other contexts). As such it is classed by policy S3 as part of Tier 1, expected to account for 35% of the overall growth during the Local Plan period (2011-2029). The Local Plan requires the delivery of at least 5,471 dwellings during the plan period and the proposed 100 dwellings are considered a valuable contribution to delivering that housing need. Weight is afforded to this benefit and that this alternative scheme to that consented will provide another way of unlocking this supply using land within the applicant's control.
- 11.3 Policy S3 expects this growth to be inside settlements limits and commensurate in scale to the size of the settlement and the services that it offers. Settlement boundaries mark the physical extent, for planning purposes, of a town or village, being the dividing line between the built area (the settlement) and rural area (the countryside). They have an important role in preventing unplanned expansion of settlements, ensuring development is located in the most sustainable location, (in line with the spatial strategy), and protecting sensitive areas from excessive or inappropriate development.
- 11.4 Here the settlement limit clearly reflects the sustainability of the location within an acceptable walking distance along lit, segregated footways to junior and primary schools, shops, places of worship and assembly as well as bus stops served by the Seaton Circular service into Workington (with onward connections to Carlisle and Whitehaven (including the general hospitals)). The service is not frequent but, in relative terms, is considered to be regular and offering sustainable connectivity to wider services and employment. There is also the cycle path (metalled along its total route) adjoining the site and connecting to Workington town centre, Dunmail Park and other employment and service providers.
- 11.5 With the Local Plan Part 2 being adopted and the inclusion of the site within the settlement limits, there is little doubt that there is an expectation that it will come forward to make a marked contribution to the provision of housing in the Borough cited in policy S3. Indeed, much of the site is shown as a commitment in the Plan. However, what is relevant is the level of growth that could sustainably be brought forward here. It is acknowledged that Seaton

has been the subject of significant housing commitments during the Plan period, noticeably:-

- a) The existing permission for much of the site (Causeway Rd Seaton 2/2017/0277- outline approval up to 100 units).
- b) East of Whitestiles, Seaton (69 dwellings approved 2/2016/0657) - under construction.
- c) Lowca Lane 2/2017/0510 -outline for 41 self-build plots.

- 11.6 Officers acknowledge residents' and the Parish Council's concerns in relation to this level of development in comparison to other areas of the Principal Centre. However, the growth is not confined to Seaton and there are significant commitments and/or development plan allocations in High Harrington, Stainburn, on the former steel works and on Ashfield Road, Workington. The level of growth is considered to be commensurate in scale to this part of the Principal Centre.
- 11.7 The extant permission is also brought into play here as a material consideration with the resultant bearing that 100 dwellings could be supported by the existing infrastructure and that which could be secured by a section 106 agreement. As such, members are advised that the principal of up to 100 dwellings in this specific locality cannot be reasonably resisted.
- 11.8 What is an issue is if the land covered by the overlap of the two sites and that which wasn't all came forward and netted in excess of 100 dwellings. Members will note that the County Highways Authority, amongst others, expresses concerns about this and the supporting documentation only assumes that just one of the developments will come forward. In excess of 100 dwellings is, therefore, untested. This is explained in more detail in this report but, at this juncture, it is necessary to advise that a s106 agreement is required in the event that members resolve to grant permission. This s106 agreement would require the surrendering of the existing permission. With this in place the principle of 100 dwellings can be supported although a condition is also required to specify this as a maximum.
- 11.9 Consultee responses, specifically from the County Council, reveal that there will be an impact on local infrastructure and services arising from the proposal. Members may note that the extant permission was subject to a s106 agreement.
- 11.10 The County's original educational sum contribution request was based upon 109 dwellings with a mix of 10 x 2 bed, 69 x 3 bed, 19 x 4 bed and 11 x 5 bed. They had calculated that the development would be home to 11 infant aged children, 14 junior and 18 of secondary school age. They confirmed that the site was in the catchment of Seaton Infants (0.54 miles), Seaton St. Paul's Juniors (0.84 miles) and Workington Academy for Secondary Education (2.32 miles). There was sufficient capacity for primary and secondary school spaces but previously had no capacity in the junior school to accommodate any more pupils. The County Council had therefore formerly calculated that £223,790 was required for a new classroom.

However in their latest consultation response they advise there has been a change of local circumstances and there is no longer any shortfall in school capacity. The request for this financial education contribution is therefore withdrawn and is excluded from the s106 obligation requirements.

A mixed and balanced housing market and affordability

- 11.11 Whilst this is an outline application with layout, scale, appearance and landscaping reserved for subsequent approval, the Council still needs to be sure that a balanced and mixed new community is being delivered with a range of housing types and tenures for a mix of household sizes, household ages and socio-economic backgrounds. A masterplan has been submitted with the application showing a mix of terraced, semi-detached and detached footprints of various sizes. This evidences the ability to accommodate such a mix within the site, totalling up to 100 dwellings (albeit the following sections will evidence some concerns in relation to the overall approach taken by the masterplan in terms of layout).
- 11.12 Policy SA3 of Part 2 Local Plan now requires a 20% affordable housing provision for this area with a 50/50 split between rent and low cost, affordable ownership. Policy SA3's adoption is a material change in policy context since the determination of the extant permission (which requires 25% provision and a 75/25 split in favour of rent). As explained in the weighting section of this report, it is policy SA3 that should be followed now and a s106 be required to secure the 20% affordable housing and 50/50 tenure split.

Design, visual amenity and landscape impact

- 11.13 The illustrative masterplan shows 100 dwellings at a gross density of 28 dwellings to the hectare (dph). Whilst a range of dwelling footprints is proposed and welcomed to meet policy S7 of the Local Plan Part 1 and public open space is also indicated to an extent that appears acceptable, there are concerns about the level of parking provision proposed along the plot frontages and the lack of street natural landscaping. Officers also question the ability to incorporate a SUDs surface water drainage system within the indicative layout.
- 11.14 Any reserved matters applications for layout, landscaping and appearance will therefore need to be substantially different, in the opinion of officers, to the indicative masterplan. Nevertheless, members are advised that it is possible for 100 dwellings of a mix of types and tenure, together with a sustainable drainage solution and landscaping and public open space to be accommodated within the site. Officers suggest that a Manual for Streets approach will be necessary to realise this appropriate solution with an abundance of natural landscaping within the public realm, shared spaces, and landmarks and a hierarchy of streets rather than the uniform and repetitive indicative layout currently proposed.
- 11.15 In a wider context, the site is well related to the existing settlement with the man-made physical feature of the former railway line acting as its northern

boundary. The current revision absorbs an excluded vacant area of agricultural land near Hill Farm but, in turn, omits an area of land and the access next to the former Royal British Legion. It does not project beyond the outer extremities of the earlier approved permission which effectively rounded off this section of the village. Wider landscape impact and harm, when considering the proposal against policy S33 of the Local Plan Part 1, is therefore limited.

- 11.16 A number of protected trees are affected by the proposal, a consequence of this application proposing a revised access arrangement to that previously permitted. Policy DM17 seeks to where possible protect trees which contribute positively to the character of the area. Further to the felling of a large mature tree on the rear curtilage boundary of Hill Farm, the Council designated a group of nine trees at the farm site.
- 11.17 Shortly prior to members' previous consideration of this application in August 2020 a tree works application (ref WTPO/2020/0023) was submitted by the applicant seeking consent to fell five of the trees within the group, four of which were protected under the existing TPO.
- 11.18 The application was submitted in response to safety concerns from a neighbour. This application is independent from the current proposal with differing grounds for the felling of the trees. The tree works application has since been amended to omit the trees on the frontage application reducing it to the felling of two Ash trees on safety grounds.
- 11.19 Within the applicant's planning arboriculture report the only tree classed as category "A" standard (i.e. more than 40 years and of such high quality and value that they are able to make a substantial contribution to the finished development) was the felled specimen. Four of the trees (T1, T3, T4 and T10) were classed as category "B" (more than 20 years of moderate quality and value that are able to make a significant contribution to the finished development) and the remainder "C" (minimum 10 years of low quality and value and can remain until new planting can be established)..
- 11.20 The proposal initially involved the removal of 8 trees comprising of 6 sycamore, 1 ornamental Cherry and an Ash. The Sycamore was the mature tree felled at the rear of the site before the making of the TPO and the ornamental cherry, which occupies a recessed location in the grounds, was not covered by the TPO. The scheme was subsequently amended to retain two of the TPO trees (one which is a category B tree). This results in the loss of 3 of the C classification TPO frontage trees (T7, T8 and T9).
- 11.21 In mitigation the proposal offers eight significantly sized replacement trees in an avenue layout on each side of the new estate road. The indicative masterplan rather curiously and disappointingly omits this avenue although there is clearly scope for its provision within the verges flanking the spine road.

11.22 Since August 2020, the Council commissioned an independent tree consultant to evaluate the trees under the TPO. Officers concur with the conclusions:-

- a) T7 and T8, despite their individual characteristics, are of amenity value as part of the collective group of trees at the frontage of Hill Farm. Therefore these two trees are worthy of their TPO status.
- b) The individual Sycamore tree T6 in the south western corner, which was withdrawn from the drafted TPO designation on health grounds, due to a wound at the base of the tree, could be retained as it still has a projected lifespan (subject to regular inspections and some possible crown reduction). As a consequence an additional TPO designation (TPO/2020/0014) has been applied to this individual tree.
- c) The applicant assessed T9 as a category C tree. The peer assessment advised there was limited information in the applicant's report but, after analysis under British standards, concluded that T9 has a high value as part of a group and has a life expectancy in excess of 40 years. It therefore has a moderate quality and thus is an alternative category B2 tree.

11.23 The Council also commissioned a further separate final peer tree assessment of the applicant's submission. It concludes:-

"However, in the event that the loss of the 3 trees is acceptable when outweighed against the benefits of the scheme, then a condition requiring an Arboricultural method statement (including protective fencing details) is required to provide the exact details and method construction of the footways within the RPA of the trees with specific reference to T4, T6, T10 and T11. A geotextile system should be used within the RPA areas to reduce the adverse impact on those trees."

11.24 The applicant's report has therefore been thoroughly reviewed by Council officers and further to the Council's instructed peer assessment, officers advise that the scoring under the TEMPO methodology that warranted the TPO has not changed since it was made and confirmed. T9 should also be seen as an additional category B tree. Tree T6 which had been omitted from the final order due to its poor health arising from an existing wound and decay is now afforded protection by a separate TPO recognising its value.

11.25 In this context, it is not disputed by officers that the trees to be lost are an attractive feature within the streetscene and it is their amenity value which prompted their protection. The pre-emptive felling of the single category A tree prior to the protection being made is disappointing to say the least; a highly unfortunate and undesirable move to remove one of the significant constraints to the development of the site. This tree already lost and those to be lost are an impact that weighs heavily against the proposal and the planting of new trees, even Heavy Standard or Semi-Mature stock, will take many years to provide the same amenity value as the lost specimens. One can only speculate on the timing of the felling of the category A tree but it is curious that its demise coincided with the Council's drafting of the TPO which would have afforded it the protection from felling without consent.

11.26 The loss of a category B and two category C trees will result in environmental harm and would, on its own, be resisted. Nevertheless, on balance, weighed against the ability to unlock and deliver this amount of affordable and open market housing, the mitigation proposed and the retention of 2 protected trees adjacent to the access is considered to provide an acceptable solution. Given this context, a condition is required to ensure that the TPO trees will only be felled in the event of the commencement of development (thus avoiding any potential non-essential felling of the trees if commencement doesn't occur).

Sustainability accessibility and Highway safety

11.27 Policy S22 of the Part 1 Local Plan is relevant here. The sustainability of the location has already been evidenced in this report with a clear potential for a modal-split in favour of non-car trips. Nevertheless, inevitably there will be a sizeable number of trips by car and service vehicles to and from the development during both the construction and operational phase. The volume of objections in relation to the perceived inadequacy of the highway network in the locality to cope with the development cannot go unnoticed and unconsidered.

11.28 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.29 The previous approved outline application (which included the reserved matter of means of access) incorporated a new vehicular access via the partial demolition of the Royal British Legion club with a secondary access for pedestrian use and emergency vehicles utilising an existing agricultural access onto Camerton Road. The current application substitutes the approved access with a new separate detailed vehicular access onto Causeway Road via the corridor of the grounds of Hill Farm. Although this building still stands it benefits from an extant approval for its demolition

11.30 The application is supported by a Transport Assessment. The assessment includes a baseline study of existing road conditions and the surrounding traffic infrastructure network. The details of the new junction include a 5.5m wide carriageway with radii curbs 1.8m footways. The access would benefit from 'splays which exceed 2.4m x 43m in both directions on each side. (although the highway authority's consultation response recommends 60m splays in both directions officers consider 43m splays are more reasonable given the site's location within the statutory 30mph speed limit for the village).

11.31 The technical assessment accounts for; forecast growth, traffic assignment, percentage impact assessment, operational junction capacity analysis, accident analysis. The submitted traffic generation evidence assessed traffic movements in the locality, the impact of the proposal and allowed for projections associated with the other approved housing scheme but omitted any traffic associated with the earlier major consent 2/2017/0277.

- 11.32 The capacity of the local highway network junctions and the extent of on street parking congestion in the wider locality of the site has been evaluated and accepted by officers following consultation with the County Highways Authority as not having a negative impact, additional traffic flow. Junction capacity assessments were requested and provided by the applicant for the County's consideration to assess local traffic conditions. This included the coincidental traffic movements to the Club and from adjacent residents. A repeat of the original speed survey was also undertaken providing a robust review of changes in traffic conditions; there were no material changes. Times during the year and weather variations were surveyed; a robust approach that withstands examination.
- 11.33 In summary, whilst the development will noticeably increase trip rates, the access details submitted for determination at this stage and the accompanying Transport Assessment and Travel Plan demonstrate not only the sustainability of the site's location but also the ability for it to be constructed and occupied without unacceptable highway safety impacts or severe residual cumulative impacts on the road network. This conclusion is caveated insofar as the assessments only consider either the permitted or the proposed development coming forward, not them cumulatively. They are also subject to conditions to secure highway safety features during the construction phase through a management plan and the operational phase through the implementation and maintenance of the necessary visibility splays, radii, widths, surfacing, lighting and highway drainage. The County Highway Authority's request for a Travel Plan monitoring fee is also reasonable and required to make the development acceptable.

Flood risk and drainage

- 11.34 Policy S29 of the Local Plan (Part 1) is the relevant development plan policy. It is clear that this issue has evolved since consideration of the previous application and is at the forefront of many of the third-party objections from local residents as well as the Parish Council, the Workington Flood Action Group and the Derwent Catchment Group. This has resulted in significant exchanges in correspondence between officers, the applicant, the County Council in their role as Lead Local Flood Authority and the Environment Agency. There have also been investigations and remedial works undertaken to off-site watercourses.
- 11.35 Particular foci of attention have been the ability of the Gale Brook to be used as the off-site watercourse for surface water, especially the condition of culverted sections, as well as the site's role in the surface water dynamics of the former railway line (cyclepath/footpath).
- 11.36 A detailed flood risk assessment, drainage statement and strategy have been submitted with the revised application. The local geology of the site and its surroundings excludes infiltration e.g. via soakaways and therefore the next sustainable option for surface water drainage under the national drainage hierarchy is to a watercourse.

- 11.37 Surface water drainage is planned to drain to the River Derwent via the part culverted Gale Brook watercourse cited in great detail in many of the consultee responses. It was verified by the County Council (as Lead Local Flood Authority at the time of considering the earlier application) that the recent local flood event which blocked Causeway Road was a result of the existing underground highway culvert being partially blocked.
- 11.38 The existing permission is subject to a Grampian condition to evaluate the culvert prior to development commencing on site. The applicant has the ability to develop pursuant to this extant permission (subject to the approval of reserved matters) but members are advised that this is a new application with varied site boundaries and the drainage and flood risk issue should be considered on its own merits, albeit the extant permission is a material consideration. The issue is considered to be at the heart of the assessment of the acceptability of this revised application and a Grampian condition is not considered appropriate or reasonable in this context.
- 11.39 Examining the issue in greater detail, there is the query as to whether the applicant's assessment had adequately addressed the assertion that a manhole and former pond in the centre of the field pointed towards the connectivity between the railway cutting's surface water drainage, the site and Gale Brook. Development of the site could have the potential to adversely affect this dynamic. The County Council as Lead Local Flood Authority (LLFA) consequently requested additional detailed evidence to verify these issues. The applicant subsequently submitted an updated FRA (May 2019) seeking to address the concerns of the objectors.
- 11.40 The initial conclusions of the investigations by the County Council's LLFA and, therefore, by officers were:-
- a) The railway cutting drains to a ditch along its northern edge of the metalled path, which flows in a westerly direction away from the application site. The outfall is into a small culvert near Seaton Rangers ARLFC.
 - b) The catchpit on the south-east corner of the site was shown to flow away from the central catchpit in a south-westerly direction, confirming that this doesn't connect to the central catchpit within the proposed development area.
 - c) The catchpit in the centre of the site does drain to the Gale Brook culvert and this was proved via dye testing.
 - d) There are 3 small inlet pipes into this central catchpit (150mm and two 100mm pipes) which appear to only be used for land drainage as there doesn't appear to be any notable water source connected to them upstream. The assumption that they are in fact land drains is supported by the fact that the majority of the flow into the central catchpit was observed to be from inlet 3. Further upstream there is a large area of standing water on the assumed line of the pipe for inlet 3). The

assumption is that this standing water is what is causing the flow into the manhole as it drains through the ground and into what is assumed to be a perforated pipe.

- 11.41 It can robustly assumed that the only existing surface water drainage flowing through the site and outfalling into Gale Brook is from a series of land drains within the development site. The flow and volume off site into the Brook can be attenuated with the on-site storage and a form of throttle/brake on the outfall off-site to regulate flow.
- 11.42 The focus of the assessment therefore moved to the adequacy of Gale Brook itself and the implications of any works required on downstream property. The applicant accepted the LLFA requests for a CCTV survey of the underground culverted section of Gale Brook identifying any remedial work required, a two-stage treatment, allowance for a 1 in 100 year flood event plus an additional 40% allowance for climate change. The updated FRA included CCTV surveys of the drains from the manholes on each side of Causeway Road as part of the link to the underground culverted section of Gale Brook.
- 11.43 These were incomplete as the sewers site were presently blocked by debris and root mass and possible collapse. However, the Environment Agency examined the lower of the two culverts at the rear of Milburn Croft as they considered part of Gale Brook's main river designation fell under their responsibility and undertook their own independent inspection of this separate culvert. They latterly decided that the upper covered culvert section at the rear of Kelsick Park (with the exception of the underground section under Causeway Road which, being within highway limits, remained under the County Council's control) also fell under their remit and expanded their investigations to ascertain the condition of this additional culvert.
- 11.44 The net requirement arising from the surveys was that identified blockages needed to be cleared to restore the flow path and capacity. Although the legal responsibility of the maintenance of any underground pipe falls to the respective riparian landowner, the applicant decided to voluntarily repair the identified blockages to the upper culvert.
- 11.45 The applicant's updated report also refers to additional lining of the culvert pipe to maintain flow and prevent ingress from roots etc. However, this work has not been implemented. Officers consider the imposition of such additional lining works as unreasonable as the applicant has remedied the elements (blockages/roots) which may have resulted in the development exacerbating flooding in the area. The responsibility for the long-term maintenance of this existing feature alternatively falls on the riparian landowner. The removal of the remaining obstacle in the culvert (a utility services' supporting wires spike) can be secured by a condition as this part is within the applicant's control.
- 11.46 Downstream the Environment Agency have also repaired a significant blockage in the lower culvert and will undertake any necessary additional repairs following CCTV surveys.

- 11.47 Strong representations have been received from objectors (including Workington Flood Action Group) on the potential implications arising from the removal of the blockages which they consider will increase flows and velocity of water down Gale Brook. In response, officers highlight that such maintenance is required anyway to ensure that proper functioning of the drainage system; the application has led to the clearance of the blockages but this should have occurred anyway. Members are also reminded that the on-site attenuation and brake mechanisms will regulate flow off the site into the Brook to the existing levels up to a 1 in 100 year event (with an added storage allowance for climate change).
- 11.48 It was however evident at the Panel meeting that, given the conflicting views on this subject, members sought additional local discussion and evaluation on the flood risk / surface water drainage matters. Further to the meeting a joint virtual meeting was held with all the main drainage representatives to endeavour to clarify and analyse the drainage aspects of the development as highlighted above. As no conclusions were agreed, the LLFA agreed to commission a peer assessment which would provide an independent unbiased appraisal of both the applicants and objectors evidence.
- 11.49 A copy of the peer assessment document is attached as an appendix document to this report. It sought to comprehensively address the drainage/flood risk merits of the scheme and respond to the main points raised by the objectors which were verified in a virtual meeting. The report concluded that the drainage strategy proposed was acceptable, and, whilst some aspects e.g. foul drainage required verification, its concepts could be satisfactorily relied upon and the detail secured by surface water drainage planning conditions. This would enable a more detailed and robust assessment when the details of any future reserved matters housing application has been submitted i.e. any future drainage scheme would likely be submitted in conjunction with any reserved matter scheme. Officers highlight that similar surface water conditions have been applied to other major housing estate development elsewhere in the Borough e.g. Stainburn, and Strawberry How, Cockermouth.
- 11.50 Given sustained objections not being withdrawn following the publication of the LLFA commissioned peer assessment, officers requested that the LLFA requested a further, supplementary response by them to incorporate the relevant fundamental measures specified within the peer assessment conclusions and where possible to verify the respective thresholds. The LLFA's latest response (see appendix) confirms their agreement with the findings of the peer review and seeks to address the points raised by the objectors. It concludes a stance of "no objections" to the scheme subject to bespoke conditions specific to this individual site.
- 11.51 In summary, officers attribute significant weight to the response of the LLFA especially given the additional evaluation under the peer assessment drainage. Therefore, subject to their recommended planning conditions, the drainage strategy proposed is considered acceptable and the off-site works already undertaken in conjunction with an on-site system implemented in

accordance with this strategy will ensure no increase in flood risk arising from the development.

- 11.52 Foul drainage is planned to discharge by gravity flow to the main sewer with a connection in Camerton Road. United Utilities do not object and this is the sequentially preferred method for dealing with foul water.

Ecology and biodiversity

- 11.53 Policy S35 of the Local Plan Part 1 seeks to ensure development safeguards any aspects of biodiversity value.

- 11.54 The application is supported by an ecology survey (June 2018) and additional detailed surveys on bats and slow worms. It has not been peer reviewed on behalf of the Council but, having knowledge of the site and its character throughout all of year (over the 4 seasons), it is considered to be robust. Its conclusions are as follows:-

- a) Badgers – No evidence.
- b) Amphibians – No breeding ponds identified on site and Hill Farm's garden pond is sited within a walled garden. It is therefore considered of negligible value for amphibians.
- c) Bats - The site has little potential for foraging by bats but there is likely to be such activity along the wooded corridor of the disused railway line. Historically the suitability of the site for habitation by bats was assessed in detail with a bat roost suitability report in Jan 2018 which concluded the suitability of the outbuildings and grounds of Hill Farm for roosting by bats were low and negligible respectively with the likelihood that they are not present. A more robust emergence survey was undertaken in August 2018 which confirmed the occasional presence of a small roost used by a single Pipistrelle bat under loose flashing on the northwest corner of Hill Farm's northern chimney stack, whilst other bats (including different species) were observed foraging around the grounds. Although the consultant considers the roost structure as being of low conservation significance it will require a licence. Members may recall from section 4 of this Development Panel report that there is approval for demolition of the relevant buildings but it is reasonable to require bat boxes in nearby trees within the applicant's control.
- d) Reptiles – (common lizard, slow worm, adder and grass snake) - Four small areas of uncultivated land within the application site could be used as suitable habitat by reptiles with reports of slow worms in the locality. Seven surveys were undertaken, two of which identified a slow worm in the northern spur section adjacent to the public right of way to the Bowling Club/Village Hall. The surveys considered that there may be connectivity with the area of land fronting Hill Farm via the intervening neighbouring domestic garden. Slow worms may hibernate

in stone walls around the farmhouse and the rubble hedge bank at the front of the site. The recommended mitigation includes seasonal dismantling of walls/removal of hedge under an ecological clerk of works supervision and a biodiversity protection zone (via a Biodiversity management plan and a construction environmental management plan. Since August 2020, the applicant has reviewed the evidence relating to slow worms within the grounds of Hill Farm, especially given the objectors' references. In a recent addendum, the applicant's ecologist states that, during the survey, the protected species of slow worms were identified in the north east corner of the site, but were not found elsewhere on the application site. As a precaution the front garden which includes the proposed access had initially been included in the mitigation plan to connect habitat and safeguard against any impacts from implementing the new road (thus fencing it off and reinstating/managing the area upon the completion of the works). The addendum withdraws the fenced off area at the frontage advising none of the protected species were found in the surveys and that the original initiative was solely a precautionary measure. It supports a requirement for a Biodiversity management Plan. This would allow to confirm mitigation and account for any realignment to accommodate drainage plus create a habitat in this area suitable for this species.

- 11.55 The ecological aspects of the scheme have been examined in detail and are considered acceptable subject to the imposition of mitigation conditions under a Biodiversity Management Plan and Environmental Construction Management Plan. As such there is accordance with policy S35 of the Local Plan Part 1. The details of biodiversity net gain can be agreed within the landscaping, appearance and layout reserved matters.
- 11.56 Any potential pollution arising during construction works including any possible discharge to the watercourse and the downstream designation of the River Derwent's SSSI has been safeguarded under the proposed Construction Management Plan (condition 14 j)

Residential amenity

- 11.57 Policy S32 of the Local Plan Part 1 seeks to safeguard amenity.
- 11.58 The issues arising from the siting, scale and outlook of any future dwellings on the application site would fall to be considered at the reserved matters stage. What can be concluded is that the amount of development, 100 dwellings, would permit the necessary separation distances between dwellings to be achieved and an appropriate amount of private space.
- 11.59 There will be noise and disturbance to existing residents arising from the vehicular trips to and from the site but, examining the predicted trip rates and routes and how existing dwellings and their gardens are positioned and orientated to these roads, it is not considered to be a significant amenity issue.

- 11.60 A condition applied to the previous outline housing application relating to noise attenuation measures has been excluded given the recent demolition of the Royal British Legion premises.

Contamination

- 11.61 The proposed site is located within the Coal Authority's low risk consultation zone. A Phase 1 Desk Top Study and Phase 2 Site Investigation Methodology Report have been submitted. Allerdale's Environmental Protection Manager has accepted the findings and recommends standard conditions safeguarding remediation and verification.

Financial implications

- 11.62 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from New Homes Bonus and Council Tax Revenue

12.0 Balance and Conclusions

- 12.1 There are no material considerations, such as the NPPF, being afforded sufficient weight or reducing the weight of the development plan to such an extent that a decision contrary to it should be made.
- 12.2 The proposal has been considered against the provisions of this plan, which now comprises of the Allerdale Local Plan Part 1 (2014) and Part 2 (2020). There are adverse impacts arising from the proposal, notably the loss of trees of such amenity value that they are currently protected. There is also irrevocable landscape change, albeit this will be contained to a very local level. The indicative plans have failed to demonstrate how the 100 dwellings can be accommodated within the site with the necessary sustainable drainage, landscaping and public open space. Nevertheless, at the density proposed officers are content that this can be achieved at the reserved matters stage to accord with policies S2, S4 and S33 of the Local Plan Part 1 (2014).
- 12.3 Other matters can be mitigated by condition of through a section 106 agreement.
- 12.4 Weight is afforded to the benefit arising from the supply of 100 dwellings and that this alternative scheme to that consented will provide another way of unlocking this supply using land within the applicant's control.
- 12.5 On balance, the proposal is considered acceptable and accordant with the provisions of the development plan.

RECOMMENDATION

That the Secretary of State be advised that the council would be minded to grant permission subject to the conditions detailed in Annex 1 under the delegation of the Planning and Building Control Manager upon the completion and signing of a s106 agreement securing the following:

- A. The revocation of planning permission 2/2017/0277.**
- B. 20% affordable housing contribution.**
- C. Travel plan monitoring contribution -£6,600.**
- D. Provision and maintenance of public open space**

Annex 1

CONDITIONS

Time Limit:

- 1. Prior to the commencement of development details of the layout, scale and appearance, and landscaping (hereinafter called 'reserved matters') shall be submitted to and approved by the Local Planning Authority.**

Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (General Development Procedure) Order 2015.

- 2. The submission of all reserved matters referred to in condition 1 shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:**

- (a) The expiration of 3 years from the date of the grant of this permission, or**
- (b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3. This permission is for no more than 100 dwellings.**

Reason: This is the site's development capacity taking into consideration prevailing development densities, landscape and built environment character, the need to provide a mix of dwelling types, public open space, highways infrastructure including parking, landscaping and to accord with policies S2 and S4 of the Allerdale Local Plan Part 1 2014.

- 4. Any application for the layout reserved matters shall include plans showing the following:**

- (a) Cross sections through the site;**
- (b) Details of existing and proposed ground levels;**
- (c) Proposed finished floor levels of buildings;**
- (d) Levels of any paths, drives, garages and parking areas;**

and the development shall be carried out in accordance with the details so approved.

Reason: There are site level changes and such detail is required to ensure that the development is acceptable with regards to the relationship between dwellings within the site, open space, highways and neighbouring uses

including existing dwellings and to accord with policy S32 of the Allerdale Local Plan Part 1 2014.

- 5. The reserved matters applications for layout and appearance shall demonstrate that 20% of the overall scheme will be designed and constructed to meet the requirements set out in optional Building Requirement M4(2) (or any equivalent standard should these regulations be subsequently reviewed).**

Reason: In order to comply with Policy SA5 of the Allerdale Local Plan Part 2.

In Accordance:

- 6. Insofar as this decision grants outline permission for residential development of up to 100 dwellings (as per condition 3), the development hereby permitted shall be carried out in accordance with the following approved plans/details:**

**17004_PL100 Rev B Site Location Plan
17004_PL101 Rev B Existing Site Plan
Arboricultural Impact Assessment
Arboricultural Impact Assessment - Tree Constraints Plan
Arboricultural Impact Assessment - Plan
Coal Mining Risk Assessment
Design and Access Statement
Ecological Appraisal
Bat Emergence Survey
Reptile Survey
Addendum to reptile survey report (dated 17/12/20)
Revised Flood Risk Assessment and Drainage Strategy (May 2019)
Desktop Study
Interim Travel Plan(parts 1-3)
Local Affordable Housing Statement
Landscape and Visual Impact Appraisal
Planning Statement
Transport Assessment
VC0207 001 Rev B Proposed Access Arrangements
e-mail dated 13th February re; retention of trees T5 and T10
17004_PL400 ~Rev B –access**

Reason: To ensure that the development is carried out in accordance with the principles contained within these documents and to accord with the sustainability principles of policy S2 of the Allerdale Local Plan Part 1 2014.

Pre-commencement conditions:

- 7. With the exception of the requirements of condition 8, no development shall commence until details including longitudinal/cross sections of the**

carriageway, footways, footpaths, cycleways (including the pedestrian and EVA links to Camerton Road) and the associated drainage and lighting to serve this development, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a minimum standard of construction in the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 8. The development shall not commence until visibility splays providing clear visibility of 43 x 2.4 x 43 metres measured down the centre of the access road and the nearside channel line of the existing County highway have been provided at the junction of the access road with the County highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no development shall be erected and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay.**

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 9. Prior to the commencement of development details of the proposed crossings of the highway verge and/or footway for the emergency access onto Camerton Road shall be submitted to the Local Planning Authority for approval. The details shall include measures to prohibit through traffic shall also be provided. No dwellings shall be commenced until the crossing has been completed in accordance with the approved details.**

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 10. Prior to commencement of development, a Construction Method Statement for Highway Safety, including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling, shall be submitted to and approved by the local planning authority and shall include measures to secure:**
- a) formation of the construction compound and access tracks and any areas of hardstanding;**
 - b) cleaning of site entrances and the adjacent public highway;**
 - c) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;**
 - d) post-construction restoration/reinstatement of the working areas**

The Construction Method Statement shall be carried out as approved.

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 11. Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:**
- a) the construction of the site access and the creation, positioning and maintenance of associated visibility splays;**
 - b) details of any temporary access gates that should be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;**
 - c) proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;**
 - d) the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;**
 - e) details of any temporary proposed crossings of the highway verge;**
 - f) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development including the provision of parking spaces for residents and visitors**
 - g) construction vehicle routing;**
 - h) the management of junctions to and crossings of the public highway and other public rights of way/footway;**
 - i) the scheduling and timing of movements, temporary warning signs and banksman**

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014.

- 12. No development shall take place until a detailed surface water scheme has been submitted to and approved by the local planning authority. The detailed surface water drainage scheme shall:**
- a) Be in accordance with the principles set out in the Flood risk assessment Statement dated 10th May 2019 proposing surface water into Gale Brook (for the avoidance of doubt , no surface water shall discharge to the public sewerage system either directly or indirectly);**
 - b) Be in accordance with the Non –Statutory Technical Standards for sustainable Drainage systems (March 2015) or any subsequent replacement national standards;**
 - c) Set out drainage provision for both developed and undeveloped areas;**
 - d) Demonstrate that the greenfield run-off rate for discharge shall not exceed 26.99l/s;**
 - e) Provide appropriate storage space to attenuate run –off site;**
 - f) Show flow paths of exceedance routes from a 1 in 100 year plus climate change event so as to demonstrate they will not affect properties on or off-site;**
 - g) Include details of how drainage infrastructure shall be managed and maintained after completion).**

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution from surface water in compliance with policy S29 of the Allerdale Local Plan (Part 1) 2014.

- 13. No development shall commence until a Construction Surface Water Management Plan (including details of the removal of the utility service spike within the existing underground culvert) has been submitted to and agreed in writing by the Local Planning Authority. The utility spike shall be removed and the culvert repaired to the satisfaction of the local planning authority prior to any construction works on the site and the development shall be implemented solely in accordance with the approved scheme.**

Reason: To safeguard against flooding to the surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems in compliance with Policy S29 of the Allerdale Local Plan Part 1 2014.

- 14. Prior to development (or relevant phase of development), a Construction Method Statement (Residential Amenity) shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
- a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;**
 - b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.**
 - c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.**
 - d) Mitigation measures to ensure that no harm is caused to protected species during construction.**
 - e) A written procedure for dealing with complaints regarding the construction or demolition;**
 - f) Measures to control the emissions of dust and dirt during construction and demolition;**
 - g) Programme of work for Demolition and Construction phase;**
 - h) Hours of working and deliveries;**
 - i) Details of lighting to be used on site.**
 - j) Surface surface water management plan including appropriate flooding and pollution prevention guideline measures to include biosecurity, materials and machinery storage, and mitigation for the control and management of noise, dust, surface water run-off and waste to protect Gale Brook and any surface water drains from sediment, and pollution from cement or fuel.**

The approved statement shall be adhered to throughout the duration of the construction pahse of the development.

Reason : In the interests of general local amenity and in the interests of safeguarding ecological interests and biodiversity, safeguard against flooding the to the suuroounding sites and to safeguard agianst pollution of surrounding watercourses and drainage systemsin compliance with Policy S29, S32 and S35 of the Allerdale Local plan (Part 1) 2014.

- 15. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to the commencement.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 16. Prior to commencement of works a Biodiversity Management Plan (including a Environmental Construction Management plan) shall be submitted to and approved by the local planning authoity . The plan shall include details on measures and details to be implemented during and after the course of construction works at the site to safeguard the habit of protected species at the site in accordance with the principles and recommendations of the Brooks Reptile survey (June 2018) and Brooks Ecological appraisal (June 2018) and Addendum to reptile survey report (dated 17/12/20). The works shall be implemented solely in accordance with the approved details and thereafter managed at all times in accordance with the approved scheme.**

Reason : In the interests of safeguarding local wildlife and biodiversity in compliance with Policy S35 of the Allerdale Local Plan (Part 1) 2014 .

- 17. No development shall commence until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be retained, together with the positions and height of protective fences, the areas for the storage of materials and stationing of machines and huts, and the position and width of temporary site roads and accesses. The details so approved shall be implemented prior to the commencement of the development and maintained at all times during the construction period.**

Reason: In order to ensure that adequate protection is afforded to the existing trees on the site prior to any excavation/construction works on the site in compliance with policy DM17 of the Allerdale Local Plan (Part 1) 2014.

- 18. The felling of the TPO trees T6, T7 and T8 on the applicant's arboricultural assessment shall only be undertaken upon the commencement of development following the approval of all reserved matters.**

Reason : To minimise the impact of the development on the visual amenity of the area in compliance with policy DM17 of the Allerdale Local Plan (Part 1) given that the felling can only be justified when balanced against the benefit of bringing forward the permitted dwellings.

- 19. Prior to the commencement of works an Arboricultural Method Statement (including any protective fencing details and works within the Root Protection Areas of the trees protected under Tree Preservation Orders) shall be submitted to and approved by the local planning authority. The works shall solely be implemented in accordance with the approved details.**

Reason : To minimise the impact of the development on the visual amenity of the area in compliance with policy DM17 of the Allerdale Local Plan (Part 1) 2014.

Post commencement

- 20. Where land affected by contamination is found which poses unacceptable risks to human health, controlled waters or the wider environment, development shall stop and not resume until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 21. Should a remediation scheme be required as per condition 19, the said scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development resuming on site or to a timetable as otherwise agreed in writing by the local planning authority.**

Reason: To minimise any risk during or post construction works arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

- 22. Monitoring shall be carried out in accordance with the approved Interim Travel Plan and the results of the monitoring shall be submitted to the Local Planning Authority within one month at the end of each monitoring period. Where targets are not achieved the Travel Plan Co-ordinator will be notified in writing and the Travel Plan shall then be reviewed and updated and submitted to the Local Planning Authority for approval within one**

month of the receipt of the notification. The updated Travel Plan shall be implemented within one month of the date of approval.

Reason: To aid in the delivery of sustainable transport objectives and ensure that the local road network continues to fulfil its purpose as part of the national system of routes for through traffic, in accordance with policy S22 of the Allerdale Local Plan Part 1 2014.

- 23. In the event that any drainage infrastructure systems not previously documented within the application submission are uncovered during the development of the site, then they shall be documented in detail. No works shall take place to remove, obstruct or redirect any element of the previously undocumented drainage system until a revised and updated drainage scheme that takes the presence of this into account has been submitted to and approved in writing by the Local Planning authority. For the avoidance of doubt, any drainage infrastructure /systems not previously documented shall be dealt with at source and taken into the drainage system proposed for the site or passed on seamlessly beyond the site. The works shall thereafter solely be implemented in accordance with the approved updated scheme.**

Reason ; To safeguard against flooding to the surrounding sites and safeguard against pollution of surrounding watercourses and drainage systems in compliance with policyS29 of the Allerdale Local Plan (Part 1) 2014.

Prior to occupation

- 24. No dwelling shall be occupied until the estate road including footways and cycleways to serve that dwelling has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided between that dwelling and the existing public County highway and brought into full operational use.**

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014..

- 25. Excluding the emergency access , vehicular access to the approved development site hereby approved shall solely be via the approved access via Hill Farm onto Caueway Road.**

Reason: In the interests of highway safety and to accord with policy S22 of the Allerdale Local Plan Part 1 2014..

- 26. Prior to the first occupation of each dwelling, details for that dwelling shall be submitted to and approved in writing by the local planning authority of either:-**

- a) Evidence that the applicant will provide onsite access to broadband infrastructure providers during the construction process to allow the providers to install the necessary broadband infrastructure; or**

- b) Evidence, following contact with broadband infrastructure providers, that it is not practicably or viably possible to install broadband infrastructure to achieve superfast (as defined by Government standards) fibre broadband connectivity.**

Reason: To seek to secure sustainable superfast (as defined by Government standards) fibre broadband connectivity in accordance with policy SA33 of the Allerdale Local Plan Part 2 (2018).

- 27. Prior to the occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved by the local planning authority. The sustainable drainage management and maintenance plan shall include as a minimum:**

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a residents' management company: and**
b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage system throughout its lifetime.

Reason: To ensure that management arrangements are in place for a sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development and to accord with policy S29 of the Allerdale Local Plan Part 1 (2014).



